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*Attorneys for Plaintiff*

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**UNITED STATES DISTRICT COURT**

9

**DISTRICT OF NEVADA**

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COREEN ANN O'NEAL, )  
13 ) CASE NO. 2:20-CV-708-KJD-VCF  
14 Plaintiff, )  
15 )  
16 vs. )  
17 )  
18 KEOLIS TRANSIT SERVICES, LLC d/b/a )  
19 KEOLIS TRANSIT AMERICA, INC., a )  
20 Foreign Limited-Liability Company; )  
21 DOE BUS DRIVER, individually; )  
22 DOES I through X, inclusive; and ROE )  
23 CORPORATIONS I through X, )  
24 inclusive, )  
25 )  
26 Defendants. )  
27 )  
28 )

**STIPULATION AND ORDER TO AMEND COMPLAINT**

22 Plaintiff, COREEN ANN O'NEAL, by and through her counsel, Cory M. Jones, Esq. of the  
23 law firm of JONES WILSON LLP, and Defendant KEOLIS TRANSIT SERVICES, LLC d/b/a  
24 KEOLIS TRANSIT AMERICA, INC., by and through its counsel Michael P. Lowry, Esq., of the  
25 law offices of WILSON ELSEMOSKOWITZ EDELMAN & DICKER LLP, hereby stipulate that  
26  
27  
28

1 Plaintiff may amend her Complaint to substitute TIESHEA DAVIS, the individual represented by  
2 counsel for Defendant KEOLIS TRANSIT SERVICES, LLC to be the bus driver, in the place and  
3 stead of Defendant DOE BUS DRIVER, who was named as a Doe fictitious name in the Complaint  
4 filed on March 18, 2020. A copy of the proposed Amended Complaint is attached hereto as Exhibit  
5 “1”.  
6

7 DATED this \_\_\_\_ day of June, 2020.

8 **JONES WILSON LLP**

9  
10 By /s/ Cory M. Jones  
11 Cory M. Jones, ESQ.  
12 Nevada Bar No. 5028  
13 1522 W. Warm Springs Road  
14 Henderson, NV 89014  
*Attorneys for Plaintiff*

15 **WILSON ELSER MOSKOWITZ**  
16 **EDELMAN & DICKER LLP**

17 By /s/ Michael P. Lowry  
18 Michael P. Lowry, ESQ.  
19 Nevada Bar No. 10666  
20 300 S. Fourth Street, 11<sup>th</sup> Floor  
21 Las Vegas, NV 89101  
22 Attorney for Defendant  
23 *Attorneys for Keolis Transit Services, LLC*

1 O'Neal vs. Keolis Transit Services, LLC  
2 Case No. 2:20-CV-708-KJD-VCF

3 **ORDER**

4 Pursuant to the Stipulation of the parties and good cause appearing:

5 **IT IS HEREBY ORDERED** that Plaintiff may amend her Complaint to substitute  
6 TIESHEA DAVIS in the place and stead of Defendant DOE BUS DRIVER, who was named as a  
7 Doe fictitious name in the Complaint filed on March 18, 2020.

8  
9  
10 IT IS HEREBY ORDERED that the proposed  
11 amended complaint must be filed on or  
12 before June 19, 2020.



13  
14  
15 UNITED STATES MAGISTRATE JUDGE

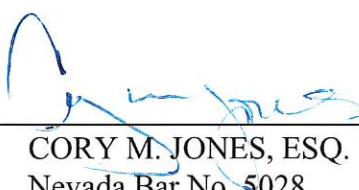
16 6-12-2020

17 DATED: \_\_\_\_\_

18  
19 Prepared and Submitted by:

20 **JONES WILSON LLP**

21  
22 By \_\_\_\_\_



23 CORY M. JONES, ESQ.  
24 Nevada Bar No. 5028  
25 1522 W. Warm Springs Road  
26 Henderson, NV 89014  
27 Attorneys for Plaintiff

## **EXHIBIT 1**

1 CORY M. JONES, ESQ.  
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9 *Attorneys for Plaintiff*

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

11 COREEN ANN O'NEAL, )  
12 Plaintiff, ) CASE NO. 2:20-CV-708-KJD-VCF  
13 )  
14 vs. )  
15 KEOLIS TRANSIT SERVICES, LLC d/b/a )  
16 KEOLIS TRANSIT AMERICA, INC., a )  
17 Foreign Limited-Liability Company; )  
18 TIESHEA DAVIS, individually; )  
19 DOES I through X, inclusive; and ROE )  
20 CORPORATIONS I through X, )  
inclusive, )  
Defendants. )  
\_\_\_\_\_  
)

AMENDED COMPLAINT

21 COMES NOW Plaintiff, COREEN ANN O'NEAL, by and through her attorney, CORY M.  
22 JONES ESQ., of JONES WILSON LLP, and for her causes of action against Defendants, and each of  
23 them, alleges as follows:  
24

25 1. At all times relevant to these proceedings, Plaintiff, COREEN ANN O'NEAL  
26 (hereinafter "PLAINTIFF"), is a resident of King County, Washington.  
27  
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JONES WILSON LLP  
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2. Upon information and belief, at all times relevant to these proceedings, Defendant, TIESHEA DAVIS, was and is a resident of Clark County, Nevada.

3. Upon information and belief, at all times relevant to these proceedings, Defendant, KEOLIS TRANSIT SERVICES, LLC d/b/a KEOLIS TRANSIT AMERICA, INC., was and is a Foreign Limited-Liability Company, registered in the State of Nevada and conducting business in the State of Nevada.

4. The true names and capacities, whether individual, corporate, associate or otherwise of Defendants named herein as DOES and ROE CORPORATIONS I through X are unknown to Plaintiff who therefore, sues said Defendants by said fictitious names. Plaintiff is informed and believes and thereon alleges that each of the Defendants designated as DOES and ROES are responsible in some manner for the events and happenings referred to, and caused damages proximately to Plaintiff as herein alleged, and Plaintiff will ask leave of this Court to amend this Complaint to insert the true names and capacities of DOES and ROE CORPORATIONS I through X when the same have been ascertained and to join such Defendants in this action. At all times mentioned herein, each Defendant was acting as the agent, servant, and employee of each other Defendant.

## **FIRST CAUSE OF ACTION**

## NEGLIGENCE

21 5. On or about April 22, 2018, in Clark County, Nevada, Defendant, TIESHEA DAVIS, was  
22 operating a bus/motor vehicle and was stopped at the intersection of Boulder Highway and Major  
23 Avenue.

24           6. The mechanical lifting ramp was down to allow a passenger in a wheelchair to board the  
25 bus.

20

1       7. Plaintiff was boarding the bus and was on the mechanical lifting ramp and was instructed  
2 by Defendant, TIESHEA DAVIS to get off the ramp and board the bus through the rear door.  
3

4       8. Defendant, TIESHEA DAVIS began to raise the ramp before Plaintiff was able to get  
5 off causing Plaintiff to fall off the ramp.  
6

7       9. That Defendant, TIESHEA DAVIS, carelessly, recklessly and negligently operated the  
8 mechanical lifting ramp, and/or the mechanical lifting ramp malfunctioned, and/or was being  
9 maintained in such a fashion as to cause it to malfunction, which caused the Plaintiff to fall off the ramp.  
10

11       10. At the time of said incident Defendant, TIESHEA DAVIS was operating the bus/motor  
12 vehicle in the course and scope of her employment for her employer and the bus/motor vehicles owner,  
13 Defendant KEOLIS TRANSIT SERVICES, LLC d/b/a KEOLIS TRANSIT AMERICA, INC.  
14

15       11. The sole and proximate cause of the collision described above was the negligence,  
16 carelessness, recklessness, and/or conscious disregard for the health and safety of the Plaintiff, by these  
17 named Defendants.  
18

19       12. As a direct and proximate result of the negligence, carelessness, recklessness and wanton  
20 disregard for the health and safety of the public by these Defendants, Plaintiff suffered injuries to her  
21 body and severe pain and suffering, all or some of which conditions may be permanent or disabling in  
22 nature.  
23

24       13. As a further direct and proximate result of the negligence, carelessness, recklessness and  
25 wanton disregard for the health and safety of the public by these Defendants, Plaintiff incurred, and will  
26 incur in the future, medical expenses in an amount to be proven at the time of trial.  
27

28       14. Plaintiff has had to retain the services of an attorney to prosecute this action and is  
29 entitled to reasonable attorneys' fees and costs of suit incurred herein.  
30

## **SECOND CAUSE OF ACTION**

## **NEGLIGENCE, SUPERVISION AND/OR TRAINING AND/OR MAINTENANCE**

15. Plaintiff repeats and realleges those allegations contained within the preceding portion of the Complaint as if the same were more fully set forth herein.

16. The Defendants, and each of them, owed a duty to the public, including the Plaintiff, a duty to determine the qualifications of its employee/drivers, including but not limited to, training said drivers on the use of the handicap assistant devices for their buses, and or assist in continual education to ensure their drivers are familiar and proficient in the use of the handicap assistant devices, including providing routine maintenance on their subject buses to ensure the proper mechanical functioning of the subject handicap assistant devices. The Defendants, and each of them, owed a duty to the public, including the Plaintiff, a duty to supervise and train its employees after they were hired, and maintain their buses for use by the general public before said employee or machinery could cause damage to property and/or the public.

17. That these Defendants breached the duty owed to the general public, including the Plaintiff, by failing to hire, supervise and or train qualified, and/or competent and/or non-negligent employees, and by failing to adequately maintain their handicap assistant equipment for use by the general public.

18. As a direct and proximate result of the negligence of Defendants, and each of them, the Defendants are liable to the Plaintiff for her damages, which are in excess of \$15,000.00.

WHEREFORE, Plaintiff, expressly reserving the right to amend her Complaint at the time of trial of the actions herein to include all items of damages not yet ascertained, demands judgment against Defendants, and each of them, as follows:

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- 1       1. General damages in an amount in excess of \$15,000.00;
- 2       2. Damages for costs of medical care and treatment and costs incidental therein, when the
- 3               same have been fully ascertained;
- 4       3. For reasonable attorneys' fees and costs of suit incurred herein; and,
- 5       4. For such other and further relief as the Court may deem proper.

6               7 DATED this 11<sup>th</sup> day of June, 2020.

8               8 JONES WILSON LLP

9               9 By \_\_\_\_\_

10               10 CORY M. JONES, ESQ.  
11               11 Nevada Bar No. 5028  
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16               16 *Attorney for Plaintiff*